

isolated polynucleotide which encodes a protein (SEQ ID NO: 4), vectors and host cells comprising said polynucleotide;

Group VI: Claims 16, 17, 22, 23, 28, 29, 34, 35, 40, 43, 82 and 87, drawn to an isolated polynucleotide which encodes a protein (SEQ ID NO: 6), vectors and host cells comprising said polynucleotide.

Group VII: Claim 44, drawn to *Coryneform glutamicum* DSM 13993;

Group VIII: Claim 45, drawn to *Coryneform glutamicum* DSM 13994;

Group IX: Claims 46-53, drawn to a process for producing L-amino acids comprising culturing the host cell of Claims 24 or 25, and collecting the L-amino acids;

Group X: Claims 54-65, drawn to a process for producing L-amino acids comprising culturing the host cell of Claims 26 or 27, and collecting the L-amino acids;

Group XI: Claims 66-73, drawn to a process for producing L-amino acids comprising culturing the host cell of Claims 28 or 29, and collecting the L-amino acids;

Group XII: Claims 74 and 75, drawn to a process for screen for polynucleotides which encode a protein having RNA polymerase B  $\beta$ -subunit activity, comprising hybridization with the polynucleotide of Claims 1 or 3;

Group XIII: Claim 76, drawn to a process for screening for polynucleotides which encode a protein having RNA polymerase B  $\beta$ -subunit activity, comprising hybridization with the polynucleotide of Claim 15;

Group XIV: Claim 77, drawn to a process for screening for polynucleotides which encode a protein having RNA polymerase B  $\beta$ -subunit activity, comprising hybridization with the polynucleotide of Claim 17;

Group XV: Claims 78 and 80, drawn to a method for detecting a nucleic acid with at least 70% homology to the polynucleotide of Claims 1 or 3; and

Group XVI: Claims 79 and 81, drawn to a method for producing a nucleic acid with at least 70% homology to the polynucleotide of Claims 1 or 3.

Applicants elect, with traverse, Group I, Claims 1-10, 18, 19, 24, 25, 30, 31, 36, 37, 38, 39, 40, 41, 83 and 84, drawn to an isolated polynucleotide which encodes a protein (SEQ ID NO: 2, vectors and host cells comprising said polynucleotide), for further prosecution.

The Office has characterized the inventions of Groups I-VIII as unrelated. Citing MPEP §806.04 and MPEP §808.01, the Office concludes that “the polynucleotides of Groups I, V, and VI, the proteins of II-IV and the Coryneform glutamicum strains of Groups VII and VIII comprise a chemically unrelated structure capable of separate manufacture, use, and effect”. However, the Office has not provided sufficient reasons and/or examples to support this assertion. The Office has merely stated the conclusion. Accordingly, the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Accordingly, Applicants respectfully submit that the Restriction Requirement should be withdrawn.

The Office has characterized the inventions of Groups II-VIII and IX, XII, XV, and XVI as unrelated. Apparently citing MPEP §806.04 and MPEP §808.01, the Office concludes that “Groups II-VIII are neither used nor made by the methods of Groups IX, XII, XV, and XVI”. However, the Office has not provided sufficient reasons and/or examples to support this assertion. The Office has merely stated the conclusion. Accordingly, the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Accordingly, Applicants respectfully submit that the Restriction Requirement should be withdrawn.

The Office has characterized the inventions of Groups I-IV, VI-VIII, and X or XIII as unrelated. Apparently citing MPEP §806.04 and MPEP §808.01, the Office concludes that “Groups I-IV and VI-VIII are neither used nor made by the methods of Groups X or XIII”. However, the Office has not provided sufficient reasons and/or examples to support this assertion. The Office has merely stated the conclusion. Accordingly, the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Accordingly, Applicants respectfully submit that the Restriction Requirement should be withdrawn.

The Office has characterized the inventions of Groups I-V, VII-VIII, and XI or XIV as unrelated. Apparently citing MPEP §806.04 and MPEP §808.01, the Office concludes that “Groups I-V and VII-VIII are neither used nor made by the methods of Groups XI or XIV”. However, the Office has not provided sufficient reasons and/or examples to support this assertion. The Office has merely stated the conclusion. Accordingly, the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Accordingly, Applicants respectfully submit that the Restriction Requirement should be withdrawn.

The Office has characterized the inventions of Groups IX-XVI as “independent”. Apparently citing MPEP §806.04 and MPEP §808.01, the Office concludes that Groups IX-XVI comprise different steps”. However, the Office has not provided sufficient reasons and/or examples to support this assertion, nor has it demonstrated how “different steps” constitute a foundation for restriction. The Office has merely stated the conclusion. Accordingly, the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Accordingly, Applicants respectfully submit that the Restriction Requirement should be withdrawn.

In regard to Groups I and IX, XII, XV, and XVI, the Office has characterized the relationship between these two groups as product and process of use. Citing MPEP §806.05(h), the Office concludes that the product “can be used to synthesize mutant polynucleotides”. However, the Office has not provided reasons and/or examples to support this conclusion. Further, the Office has failed to show that the proposed use of the claimed composition as a detergent additive is materially different from the claimed use. Accordingly, Applicants respectfully submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

In regard to Groups V and X or XIII, the Office has characterized the relationship between these two groups as product and process of use. Citing MPEP §806.05(h), the Office concludes that the product “can be used to synthesize mutant polynucleotides”. However, the Office has not provided reasons and/or examples to support this conclusion. Further, the Office has failed to show that the proposed use of the claimed composition as a detergent additive is materially different from the claimed use. Accordingly, Applicants respectfully submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

In regard to Groups VI and XI or XIV, the Office has characterized the relationship between these two groups as product and process of use. Citing MPEP §806.05(h), the Office concludes that the product “can be used to synthesize mutant polynucleotides”. However, the Office has not provided reasons and/or examples to support this conclusion. Further, the Office has failed to show that the proposed use of the claimed composition as a detergent additive is materially different from the claimed use. Accordingly, Applicants respectfully submit that the Office has failed to meet the burden necessary in order to sustain the Restriction Requirement. Withdrawal of the Restriction Requirement is respectfully requested.

Applicants further traverse the Restriction Requirement on the additional ground that a search of all the claims would not impose a serious burden on the Office. The MPEP in §803 states as follows:

“If the search and examination of an entire application can be made without a serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.”

Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office.

For the reasons set forth above, Applicants contend that the Restriction Requirement is improper and should be withdrawn.

Applicants further submit that this application is in condition for examination on the merits and an early notification to that effect is earnestly solicited.

Respectfully submitted,

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